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February 20, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Suzan B. Friedman, Esq.
Tariff Division
Common Carrier Bureau
Federal Communications Commission
Room 518
1919 M Street, N.W.
Washington, D.C. 20554

Re: Virtual Collocation Tariff Proceeding
CC Docket No. 94-97

TWComm Freedom of Information Act Request
Control No. 95-211

Dear Ms. Friedman:

This letter is written in response to your solicitation of comments from Time Warner Communications Holdings, Inc. ("TWComm") concerning the most recent proposal regarding the terms and conditions under which certain cost data submitted by Southwestern Bell Telephone Company ("SWBT"), in conjunction with its virtual collocation tariff offerings, is to be made available to parties participating in the Commission's virtual collocation tariff review proceeding.

At the outset, TWComm wishes to emphasize, as it has throughout the process, that its willingness to participate in the ongoing discussion of the terms of the SWBT protective order should not in any sense be construed as a concession by TWComm that the use of a protective order or any other form of restriction on its access to SWBT's cost support data is either necessary or appropriate. On this basis, TWComm offers the following comments with respect to the terms of the proposed protective order which you distributed by fax on January 30, 1996.

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List ABCDE

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The Commission's proposed protective order closely tracks the terms contained in the proposed protective order submitted by SWBT on July 13, 1995. TWComm explained its objections to that proposal in its letter to the Commission dated August 18, 1995.¹ The instant proposal contains all of the terms to which TWComm objected in that letter. TWComm has not changed its position with regard to any of those terms and incorporates by reference the objections described in the August 18, 1995 filing.

The only material differences between the SWBT July 13, 1995 proposed protective order and the instant proposal is the addition of virtually all of the amendments requested by Fujitsu Network Transmission Systems ("Fujitsu") in a letter to the Commission dated October 13, 1995.² TWComm opposes the addition of these amendments. Even assuming arguendo that vendors such as Fujitsu have a legitimate interest in the proprietary treatment of the cost data information submitted by SWBT in this proceeding, that interest is more than adequately protected by the Commission's original protective order.³ There is simply no reason to add the language suggested by Fujitsu and adopted in the current draft.

TWComm cannot therefore agree to the terms of the proposed protective order.

¹ See Letter from John L. McGrew to Suzan Friedman, dated August 18, 1995, regarding TWComm Freedom of Information Act Request Control No. 95-211.

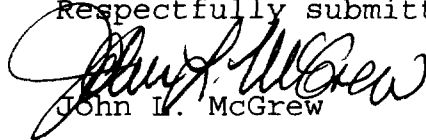
² See Letter from Judith St. Ledger-Roty to Suzan Friedman, dated October 13, 1995, regarding TWComm Freedom of Information Act Request Control No. 95-211.

³ See Letter from Kathleen M. H. Wallman, Chief, Common Carrier Bureau, to John L. McGrew, dated June 16, 1995, regarding TWComm Freedom of Information Act Request Control No. 95-211.

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Should you have any questions regarding the above-described comments or related matters, please feel free to contact me at (202) 429-4724.

Respectfully submitted,



John L. McGrew

cc: William Caton, Acting Secretary (original and 2 copies)
Kathryn Conley, Records Management Division
Mary Brown (MCI)
Richard Metzger (ALTS)
I.T.S.
Russell Blau (Swidler & Berlin)
Judith St. Ledger-Roty (Reed Smith Shaw & McClay)
Darryl W. Howard (SWBT)